

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1803 OF 2006

Jayesh Ratilal Balsara
vs.
Union of India & anr.

Petitioner

Respondents

Mr.Manish Mistry i/b.M/s.M.P.Vashi & Associates for the
petitioner.

Mr.R.C.Master for the respondents 1 and 2.

Mr.K.R.Belosey, AGP for the respondent no.3.

**CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.**

DATED : 22nd September, 2006

P.C.

The petitioner has prayed in the present writ
petition that his passport No.E-2945951 issued on
2.8.2002 which is valid upto 1.8.2012 be amended and the
date of birth be corrected as 17.3.1958 instead of
17.6.1958.

2. The petitioner has averred that through a bonafide
mistake his date of birth has been shown as 17.6.1958
instead of 17.3.1958. He was born at Valsad. He has in
his possession a certificate of birth issued by Valsad
Municipality and the Department of Public Health,
Government of Gujarat, showing the correct date of birth
as 17.3.1958. The said entry was made under Section 17

of the Registration of Births and Deaths Act, 1969. As the mistake therefore reflected in the passport, the petitioner, requested the respondents to correct the same. However, the Officer refused to correct, for want of a Court order.

3. The respondents have filed an affidavit. There is no such bar pointed out in the said affidavit that the authority cannot correct the date of birth in the passport. On the contrary, as per the circular dated 18.4.2001, a civil order from a Competent Court, certifying the valid date of birth/place of birth need to be obtained by the parties.

4. The reliance has been placed on **J.H.Shah vs. Union of India, 2001(1) Mh.L.J. 483**, wherein a Division Bench of this Court has directed the Passport Authority to hold an enquiry in the matter; and after hearing the parties and in case the Passport Authority satisfies with regard to the claim put forthwith by the parties, the necessary changes be made in the Passport already issued.

5. After considering the facts of the present case and the judgement in J.H.Shah (supra), we are of the view that the Respondents-Authority should hold an enquiry by itself and /or through the Police Agency and after

hearing the petitioner and subject to their satisfaction, a necessary change be made in regard to the date of birth. The matter be disposed of within a reasonable time without delay.

6. With the above observation, petition stands disposed of accordingly. No order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)